

REMARKS

Upon entry of this amendment, claims 2-4, 6-9, and 14-16 will be pending. Claim 5 has been cancelled, without prejudice. Claims 1 and 10-13, directed to unelected subject matter, have been withdrawn. The Applicants reserve the right to prosecute the subject matter of the withdrawn claims in a continuing or divisional application. Claims 2-4, 6, 7, and 9-13 have been amended to even more particularly describe the recited inventions, correct typographical errors, and to use language that is more conventional in U.S. patent practice. Claims 14-16 have been added and do not introduce new matter. Support for claim 15 can be found, for example, at Example B2 on page 35 of the Specification.

The undersigned notes that the Office Action dated July 20, 2007 recites that this application is the national stage of PCT/EP03/50967. Kindly note that per the Preliminary Amendment filed March 15, 2005, this application is the national stage of PCT/EP2003/50697.

The pending Office Action requires election between two groups of claims:

Group I: claims 1, 3-5, 8-9, drawn to compounds, compositions, and methods of Formula I wherein m, n, and p each equal 1; and

Group II: claims 1-5, 8-9, drawn to compounds, compositions, and methods and compositions of Formula I that are not covered by Group I.

Applicants hereby elect the invention of Group I for prosecution, without traverse. Claims 2-4, 6-9, and 14-16 encompass the elected Group.

To the extent the restriction requirement requires Applicants to elect a specific species, Applicant elect Final Compound 3, {4-[4-(1-benzoylpiperidin-4-yl)-piperazin-1-yl]-2-benzyl-piperidin-1-yl}-(3,5-bis(trifluoromethyl)phenyl)methanone, the structure of which is indicated on page 35 of the Specification in Example B2. It is the Applicants' understanding that the above election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter and is not to be construed as limiting the scope of the claims. It is also the Applicants' understanding that if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species until it includes the full scope of the generic claims of the invention.

DOCKET NO.: JANS-0077
Application No.: 10/527,821
Office Action Dated: July 20, 2007

PATENT

Claims 10-13, presently withdrawn, are process claims. Upon a determination of the allowability of the elected claims, the Applicants request rejoinder of claims 10-13, to the extent they require all the limitations of an allowable product claim, pursuant to MPEP § 821.04.

An early and favorable examination of these claims on the merits is respectfully requested.

Date: August 2, 2007

/Stephanie A. Barbosa/

Stephanie A. Barbosa

Registration No. 51,430

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439